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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/965,538	09/27/2001	Takayo Katsuki	36856.550	8080

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EXAMINER

EASTHOM, KARL D

ART UNIT PAPER NUMBER

2832

DATE MAILED: 06/24/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.  
09/965,538

Applicant(s)  
Katsuki et al.

Examiner  
Karl Easthom

Art Unit  
2832



-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on Jun 5, 2002
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above, claim(s) 11-20 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claims \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☒ All b) ☐ Some\* c) ☐ None of:  
1. ☒ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\*See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s). \_\_\_\_\_ 6) ☐ Other:

1. Applicant's election without traverse of Group I, claims 1-10 in Paper No. 4 is acknowledged.
2. Figures 13-14 should be designated by a legend such as --Prior Art-- because only that which is old is illustrated. See MPEP § 608.02(g). A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.
3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-4 and 7-10 are rejected under 35 U.S.C. 102(b) as being anticipated by Katsuki et al. '779. Katsuki et al. discloses the claimed invention at Fig. 7, or 3 where 30a 121a, or the part of 111a are vertical leg portion since 30a has a vertical part where the button part meets extends down to meet the horizontal part 30, and 121a and 111 have vertically extending parts from the electrodes 111a or 101. The portion of upper terminal 5, 114 or 124 is extended downward - either the parts on the outside of the case, or the part 54 touching the thermistor in Fig. 7.. (Either of these is a vertical leg portion meeting claim 9, with the bent part 51 and the part 54 meets claim 9). Also the portion of 4 outside or inside the case at Fig. 7 extends downward as seen. The horizontal connection portion of claim 7 is 41 since it is bent and connects to a substrate..

5. Claims 1-4 and 6-10 are rejected under 35 U.S.C. 102(e) as being anticipated by Ikeda et al. Ikeda discloses the claimed invention at Fig. 7F where 172 is a vertical leg portion of the lower terminal is downwardly extending. The vertical leg portion of upper terminal 17 is shown bent downward, meeting claims 9-10. (The vertical leg portion and downwardly extending portions are interpreted as the same element, similar to applicant's Fig. 3). In claim 6, stainless steel is disclosed at col. 10, lines 1-5.

6. Claims 1-4 and 7-8, and 10 are rejected under 35 U.S.C. 102(b) as being anticipated by Honkomp et al. Honkomp discloses the claimed invention at Fig. 6 with the solder described at col. 4, lines 55-60 the electrodes, and terminals, and 17 the terminals having the claimed vertical leg portion. The whole device of Fig. 2 can be tilted such as when being shipped, so that one side of 18 is the upper, and the other side of thermistor 18 is the lower, or the terminals 16 can be mounted horizontal to that as the device is depicted. See also Fig. 5, which can be tilted on its side for shipping to create a lower and upper electrode, and where the bent portion of 39 at the center is a vertical leg portion.

7. Claims 1-4 and 7-10 are rejected under 35 U.S.C. 102(b) as being anticipated by Takakura et al. (JP 5-299206). Nituri discloses the claimed invention at Fig. 1 where the vertical leg portion is shown as the bent portion of lower terminal 15 that touches 13c. 14 is the upper terminal. In claim 2, "in the vicinity" means close to the center.


8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are

such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Takakura et al., Katsuki et al. '779, or Ikeda et al., in view of Nagao et al. The claimed invention is as disclosed above except for the electrode material. Nagao discloses such a material at the abstract as conventional and for improving flash resistance, see col. 6 and table 5. It would have been obvious to employ the well known material in the manner of Nagao to improve the flash resistance.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Karl Easthom whose telephone number is (703)308-3306. The examiner can normally be reached on M-Th. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Elvin Enad, can be reached on (703)308-7619. The fax phone number for the organization where this application or proceeding is assigned is (703)308-7722. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0956.

  
KARL D. EASTHOM  
PRIMARY EXAMINER